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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,573	04/14/2004	Dietmar Hahn	2939	6530
7590 10/05/2005				
STRIKER, STRIKER & STENBY 103 East Neck Road Huntington, NY 11743			EXAMINER MCCLLOUD, RENATA D	
			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,573

Applicant(s)

HAHN ET AL.

Examiner

Renata McCloud

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/21/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 rejected under 35 U.S.C. 102(b) as being anticipated by Rosa (US 6104155) .

Claim 1: a braking device comprising a short circuit switch (15b) short-circuiting an armature winding (11) of a motor during braking, the switch having a control input (into 15b); a control unit (17) connected with the control input of the switch for controlling the switch during braking; and means for supplying current to the field winding (12) during braking over a time while the armature winding is short circuited (col. 3:40-60).

Claim 2: a user operated delay switch (215) separating a current supply; the delay switch (215) switching off with a time delay (col. 5:23-25)

Claim 3: the delay switch (215) provides a predetermined time delay between switch handling of the user and separation of the current supply, wherein the time delay is at least as long as the braking (col. 5:23-38).

Claim 4: the delay switch (215) is connected with the control unit (17) to inform the control unit about the user switch handling (col. 5:46-59).

Claim 6: a speed sensor (21) connected to the control unit (17).

Claim 7: a safety switch (215) shorting the current supply in the event of a disturbance (col. 5:4-12, if the user drops the tool, the trigger is released and the tool shuts off), the safety switch having a control input connected to the control unit (17)

3. Claims 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Zick et al (US 6236177).

Claim 8: a device comprising a motor (Fig. 2:14), a braking device comprising a short circuit switch (78) short circuiting a motor (14), the switch (78) having a control input (in from 86); a control unit (86) connected with the control input of the switch (78).

Claim 9: a method comprising shorting the motor (Fig. 2: 14) with a switch (78), and controlling the switch (control with 86).

Claim 10: supplying current (Fig. 2:50) to the motor (14) during braking (col. 4:59-65) at least over a certain time.

Claim 11: determining an actual operational condition of the tool and influencing the control of the short circuit switch (col. 5:26-58).

Claim 12: braking the motor faster in a first operational condition than in a second operational condition (Col. 5:26-58, the safety related condition breaks in 1 sec, whereas the productivity related condition breaks in 2 secs).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a)-which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa in view of Zick et al.

Claim 5: Rosa teaches the limitations of claim 5 except for a handling sensor recognizing handling of the tool the sensor connected to the control unit. Zick teaches for a handling sensor recognizing handling of the tool (col. 5:55-6:15), the sensor (92) connected to the control unit (86). IT would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus taught by Rosa to use a sensor as taught by Zick et al in order to provide increased user safety of the apparatus.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. In response to applicant's argument with respect to claims 8-12, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., supplying current to the field winding) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (571) 272-2069. The examiner can normally be reached on Mon.- Fri. from 8 am - 5pm.

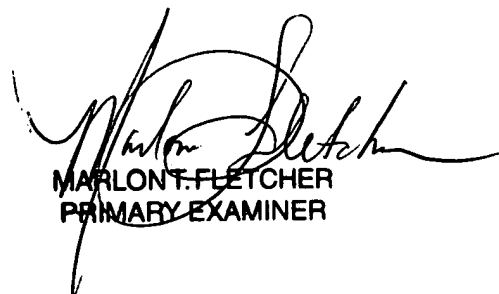
Art Unit: 2837

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2800 ext. 4. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Renata McCloud
Examiner
Art Unit 2837

RDM



MARLON T. FLETCHER
PRIMARY EXAMINER